

UNITED STATES DISTRICT COURT

for

District of Guam

Report on Offender Under Supervision

Name of Offender: **Samuel David Thier** Case Number: **CR 97-00119-001**

Name of Sentencing Judicial Officer: Honorable John S. Unpingco

Date of Original Sentence: January 6, 1998

Original Offense: Count I: Conspiracy to Distribute Crystal Methamphetamine, 21 U.S.C. §841(a)(1) and 846.

Original Sentence: 121 months imprisonment, followed by a 5 year term of supervised release with conditions: not commit another federal, state, or local crime; not illegally possess a controlled substance; refrain from any unlawful use of a controlled substance; submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; not possess a firearm; comply with the standard conditions of supervision; participate in a mental health treatment program approved by the U.S. Probation Office; perform 400 hours of community service; obtain and maintain gainful employment; and pay a \$100 special assessment fee. **Modified on April 18, 2008** to include that he participate in a program approved by the U.S. Probation Office for treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse and that he refrain from any unlawful use of a controlled substance; submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight drug tests per month as a sanction for a positive drug test (cocaine) on February 25, 2008.

Type of Supervision: Supervised Release Date Supervision Commenced: August 3, 2007

NONCOMPLIANCE SUMMARY

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Admitted to drug use on June 14, 2008 (cocaine).
2.	Submitted an invalid urine sample on June 17, 2008.

On June 17, 2008, Samuel Thier tested presumptive positive for cocaine at the drug testing vendor. The sample was sent to Kroll Laboratory Specialists, Inc. because he denied use of illicit substances. On June 18, 2008, this Officer met with Mr. Thier to discuss his noncompliance with his no drug use condition. He openly admitted that he "snorted a line of cocaine" on June 14, 2008 and executed an admission form, admitting to the drug use. Mr. Thier stated while visiting an old friend, he was offered the drug, which he "snorted." He expressed remorse for his drug use and maintains that he will refrain from further drug use. On June 20, 2008, this Officer received the laboratory report, which indicated a negative result for cocaine in reference to the June 29, 2007 drug test. However, the specimen validity status was invalid, with abnormal specific gravity levels, which is indicative of the offender "flushing" the drug from his body by consuming large amounts of fluids just prior to the drug test.

On March 29, 2008, Mr. Thier transferred from the Southern District of Texas to the District of Guam, his original jurisdiction. Mr. Thier paid his \$100 special assessment fee on March 2, 1999 and submitted to a DNA sample of his blood on April 18, 2006. In addition, since June 9, 2008, Mr. Thier has been receiving substance abuse treatment and testing and mental health counseling. He has performed 106 of 400 hours of community service. Furthermore, he continues to search for gainful employment. Because of the drug use violation, Mr. Thier has been regressed in the drug treatment and testing phase.

Mr. Thier is also serving a three year term of parole with the Department of Corrections, pursuant to a conviction in Superior Court of Guam criminal case number CF18-97 for Manslaughter as a lesser included offense of Murder (as a first degree felony). His parole term commenced on July 26, 2007 and will expire on July 25, 2010. His assigned parole officer has been made aware of the violation and has required Mr. Thier to attend weekly AA/NA meetings as well as appear before the Guam Parole Board on June 26, 2008 due to the drug use violation.

This report is submitted for the Court's information only, and no action is requested at this time. It is recommended that Mr. Thier be given adequate time to benefit from substance abuse treatment services. He has been warned that sanctions will be requested for any additional violations. His compliance will be closely monitored, and any subsequent violations will be reported to the Court accordingly.

Reviewed by:

Respectfully submitted,



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist



by:

/s/ JOHN W. SAN NICOLAS II
U.S. Probation Officer

Date: June 27, 2008

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No Response is necessary unless the court directs that additional action be taken as follows:

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Submit a Request for Modifying the Condition of Term of Supervision

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Submit a Request for Warrant or Summons

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No Action.

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Other